

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : PLESTENJAK, J.
Serial No. : 09/ 554,032
Filed : May 4, 2000
For : A Drying Device
Examiner : N/A
Art Unit : N/A

ATTY DOCKET: 204,509
January 7, 2003

RENEWED PETITION UNDER 37 CFR 1.181

To the Assistant Commissioner for Patents
Attn: PCT Legal Office:

Applicant had previously submitted a Petition for a revival under 37 CFR 1.137(a) which was supported by a Declaration of the undersigned dated August 1, 2002. A decision on Petition dated December 23, 2002 dismissed the earlier Petition for having failed to (a) provide a statement attesting that a search of the file jacket and docket records indicated that the papers were not received; and (b) not providing copies of the docket record where the notification of June 19, 2002 would have been entered.

The attached Declaration attests to the fact that Applicant's attorney responsible for this application has carefully reviewed the office file and found no copy of the missing Notification of a Defective Oath or Declaration letter dated June 19, 2000 (other than the copy that was sent with the Notification of Abandonment letter dated July 12, 2002). Copies of the docket record

"EXPRESS MAIL Label No: ET 537 520 793 US

Date of Deposit: 7 January 2003
This correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.181 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231.

RECEIVED

JAN 14 2003

A. DESSAN, FRAYNE & SCHWAB

Hon. Commissioner of
Patents and Trademarks

Date Stamp as acknowledgement
of receipt of:

APPLICANT: Plestenjak, J.

SERIAL NO. 09/554,032

FOR: A Drying Device

CONTROL NO. 204,509

DOC. TYPE: Petition
Declaration.
4 Pages of Attachments
Check #13928 for \$65.00
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Initials: TES/jfb

Date Mailed: 7 January 2003

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DTIC Ref: PCTPTD 07 JAN 2003

from this firm are also attached.

Applicant is also resubmitting a photocopy of the attorney's Declaration of August 1, 2002 with this Petition under Rule 181 which includes a further detailed explanation of the relevant facts in order to complete the record for this renewed petition.

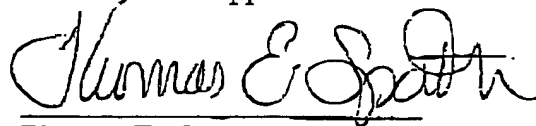
We believe that all of the formal requirements established by the rules and Official Gazette notice referred to in the prior Decision have been satisfied. Favorable consideration and prompt action on this Petition are respectfully requested.

A check in the amount of \$65.00 to cover the small entity Petition fee is attached. Should any additional fees be required in connection with this matter, the Commissioner is hereby authorized to charge this firm's deposit account No. 01-0035 for the deficiency.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By



Thomas E. Spath
Reg. No. 25,928
150 East 42nd Street
New York, NY 10017-5612
(212) 949-9022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : PLESTENJAK, J.
Serial No. : 09/ 554,032
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ATTY DOCKET: 204,509

DECLARATION OF THOMAS E. SPATH
IN SUPPORT OF RENEWED PETITION UNDER 37 CFR 1.181

Thomas E. Spath declares as follows:

1. I am the attorney principally responsible for the prosecution of this application and have been actively engaged in practice before the Patent and Trademark Office for over thirty years.
2. A Notification of Abandonment was mailed July 12, 2002 stating that applicant had failed to respond to a Notification of Missing Requirements, mailed June 19, 2000. A copy of the June 19, 2000 Notification of Defective Oath or Declaration form was attached to the abandonment notice.
3. As the attorney principally responsible for the prosecution of this application, I have carefully and thoroughly reviewed this firm's office file jacket for any indication that the Notification of June 19, 2000 was timely received. I found no such copy of that Notification

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in the file jacket, or any correspondence to the foreign applicant's representative indicating that such a Notice had been received. In fact, the inventor's executed Declaration was in the file and, in accordance with standard operating practice, we were awaiting the issuance of that Notification so that the executed Declaration could be returned to the Office. I also reviewed the firm's docket record for this application and found no entry for the June 19, 2000 action.

4. The firm utilizes a computer-based program licensed by a vendor under the trademark PATTSY to maintain its docket of cases pending before the U.S. PTO and other foreign patent offices. Attached are copies of the relevant docket entries for this application. As can be seen from these copies, the docket clerk made no entry of the Notification. Since the docket clerk routinely opens all incoming official communications and reviews them for entry on the docket, I have concluded that the Notification was not received in the ordinary course of business.

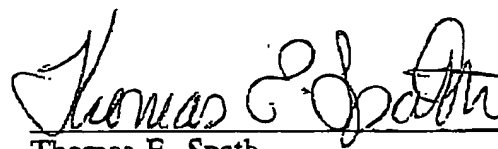
5. As requested in the Decision of December 23, 2002, I am also attaching a listing of office actions that were due on June 19, 2000 from the patent docket computer records database. No record of the Notification appears in this listing.

6. Based upon the above facts, it is apparent that the failure to respond to the outstanding office action was unavoidable, since the original action was never delivered to this firm by the U.S. Postal Service.

I understand that any false statements and the like so made herein are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any registration

issuing thereon, and I declare that the facts set forth above are true, and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Date: January 7, 2003



Thomas E. Spath
Reg. No. 25,298

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ACTIONS DUE BETWEEN 06/19/2000 AND 06/19/2000

Printed: 01/07/2003

Page 1

REFERENCE#	MARK/TITLE	ACTION	BASE DT	DUE DT	FINAL	RESPONSE	ATTY1 / ATTY2 PARA
308,413	SOFT NITRILE RUBBER FORMULA REQUEST EXAMINATIO		06/19/1997	06/19/2000	06/19/2000	05/23/2000	JSC / JSC / ES
308,412	SOFT NITRILE RUBBER FORMULA REQUEST EXAMINATIO		06/19/1997	06/19/2000	06/19/2000	05/23/2000	JSC / JSC / ES
204,586	CHARITY VIA NETWORKED INTER LTR RE: FILING RPT		05/15/2000	06/19/2000	06/19/2000	05/01/2000	JSC / JSC / ES
204,587	PAY CONTENT FOR ITEMS SUCH LTR RE: FILING RPT		05/15/2000	06/19/2000	06/19/2000	05/01/2000	JSC / JSC / ES
204,541	SYSTEM FOR COMPUTERIZING, R STATUS CHECK		04/19/2000	06/19/2000	06/19/2000	06/19/2000	TES / TES / ES
308,139	SOCCER COURT	ANNUITY DUE	06/19/1999	06/19/2000	12/19/2000	06/19/2000	TES / TES / ES
308,135	SOCCER COURT	ANNUITY DUE	06/19/1999	06/19/2000	12/19/2000	06/08/2000	TES / TES / ES

END OF REPORT

TOTAL ITEMS SELECTED = 7

OPER **EVA** ENTERED **05/04/2000** MODIFIED **10/31/2000** ATTORNEYS **HRJ / HRJ / ES** PRINTED ON: **10/31/2000**
 AF&S# **204,509** CNTRY **US** **UNITED STATES** NEW/CON **NEW** RELATED
 PATS# **P03201US0** TYPE **UTL** SERIAL# **09/554,032** PATENT# STAT **PENDING**
 TITLE **A DRYING DEVICE** DKT
 CLIENT **C463300** **Marjan Pipan** **1** CREF **P-038/00** SE **Yes** RCS#
 AGENT **US01** **COMMISSIONER FOR PATENTS** AREF CLAIMS ART
 PRIOR **11/04/1997** MAIL FILE **05/04/2000** PUBL ISSUE EXP **03/30/2018** 1ST **03/30/1998**

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PC	N	POST CARD CHECK	05/04/2000	1M	06/04/2000		06/04/2000	0	05/22/2000	0M	N	N	N
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DS	N	INF DISCLOSURE STMT	05/04/2000	3M	08/04/2000	0	08/04/2000	0		3M	Y	Y	N
FS	N	FILG RCPT STATUS CHK	05/04/2000	3M	08/04/2000		08/04/2000	0		0M	N	N	N
NF	N	NOTIFY CLT FLNG RCPT	05/04/2000	4M	09/04/2000	0	09/04/2000	0		0M	N	N	N
SC	N	STATUS CHECK	05/04/2000	18M	11/04/2001	0	11/04/2001	0		1M	N	Y	N

INVENTORS

Plastenjak, Joze

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
	WO	PCT/SI98/00008	03/30/1998	NATIONAL PHASE	APPL
	SI	P-9700284	11/04/1997	PRIORITY	APPL
	SI	P-9800094	03/27/1998	PRIORITY	APPL

OPER MP ENTERED 05/04/2000 MODIFIED 08/02/2002 ATTORNEYS TES / TES / ES PRINTED ON: 08/20/2002

AF&S# 204,509 CNTRY US UNITED STATES NEW/CON NEW RELATED

PATS# P03201US0 TYPE UTL SERIAL# 09/554,032 PATENT# STAT PENDING

TITLE A DRYING DEVICE DKT

CLIENT C463300 Marjan Pipan 1 CRE# P-038/00 SE Yes RCS#

AGENT US01 COMMISSIONER FOR PATENTS AREF CLAIMS ART

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ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PC	N	POST CARD CHECK	05/04/2000	1 M	06/04/2000		06/04/2000	0	05/22/2000	0 M	N	N	N
LF	N	LTR RE: FILING RPT	05/04/2000	35 D	06/08/2000	0	06/08/2000	0	10/31/2000	0 M	N	N	N
FS	N	FILG RCPT STATUS CHK	05/04/2000	3 M	08/04/2000		08/04/2000	0		0 M	N	N	N
NF	N	NOTIFY CLT FLNG RCPT	05/04/2000	4 M	09/04/2000	0	09/04/2000	0		0 M	N	N	N
	N	ABANDON NOTICE	06/15/2002	0 M	06/15/2002		06/15/2002	0		0 M	Y	Y	N
	N	PETITION FOR REVIVAL	08/01/2002	0 M	08/01/2002		08/01/2002	0	08/01/2002	0 M	Y	Y	N
	N	REVIVAL STATUS	10/20/2002	0 M	10/20/2002		10/20/2002	0		0 M	Y	Y	N

INVENTORS

Plesterjak, Joze

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
	WO	PCT/SI98/00008	03/30/1998	NATIONAL PHASE	APPL
	SI	P-9700284	11/04/1997	PRIORITY	APPL
	SI	P-9800094	03/27/1998	PRIORITY	APPL

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CLIENT C463300 Marjan Pipan 1 CREF P-038/00 SE Yes RCS#

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ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PG	N	POST CARD CHECK	05/04/2000	1 M	06/04/2000		06/04/2000	0	05/22/2000	0 M	N	N	N
LF	N	LTR RE FILING RPT	05/04/2000	35 D	06/08/2000	0	06/08/2000	0	10/31/2000	0 M	N	N	N
FS	N	FILG RCPT STATUS CHK	05/04/2000	3 M	08/04/2000		08/04/2000	0		0 M	N	N	N
NF	N	NOTIFY CLT FLNG RCPT	05/04/2000	4 M	09/04/2000	0	09/04/2000	0		0 M	N	N	N
	N	ABANDON NOTICE	06/15/2002	0 M	06/15/2002		06/15/2002	0		0 M	Y	Y	N
	N	PETITION FOR REVIVAL	08/01/2002	0 M	08/01/2002		08/01/2002	0	08/01/2002	0 M	Y	Y	N
	N	REVIVAL STATUS	10/15/2002	4 M	02/15/2003		02/15/2003	0		0 M	Y	Y	N
	N	DECISION/PETITION	12/23/2002	2 M	02/23/2003		02/23/2003	0		1 M	Y	Y	N

INVENTORS

Plestenjak, Joze

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
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	SI	P-9700284	11/04/1997	PRIORITY	APPL
	SI	P-9800094	03/27/1998	PRIORITY	APPL

Security enhanced document. See back for details.


ABELMAN, FRAYNE & SCHWAB
COMMISSIONER ACCOUNT
150 EAST 42ND STREET
NEW YORK, NY 10017

13928

DATE January 7, 2003 1-777/260 A

PAY TO THE ORDER OF COMMISSIONER OF PATENTS AND TRADEMARKS \$ 65.00

Sixty-Five DOLLARS

 **STERLING NATIONAL BANK**
622 Third Avenue
New York, NY 10017-6707

FOR H 7874 Catherine Basile

204509 ⑈013928⑈ ⑈026007773⑈ 0811743001⑈

Hon. Commissioner of
Patents and Trademarks

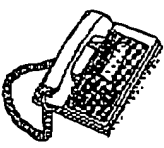
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ABELMAN, FRAYNE & SCHWAB

Attorneys at Law

150 East 42nd Street
New York, NY 10017-5612Telephone: (212) 949-9022
Cable: "LAWABEL" New York
Telex: 661108 and 276592
Internet: e-mail@lawabel.com
Facsimile: (212) 949-9190; (212) 949-9188**FACSIMILE TRANSMISSION**

DATE : February 13, 2003		FAX NO.: (703) 308-6459
TO : Examiner Anthony Smith		
COMPANY : USPTO		
NUMBER OF PAGES INCLUDING THIS COVER PAGE: <input type="text" value="12"/>	 IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE OR TELEX IMMEDIATELY ATTENTION: Donna Bennett PHONE: (212) 949-9022	
FROM : Thomas E. Spath, Esq. / <i>288</i> Reg No 25,928		
COMMENTS : Re: USSN 09/554,032 PLESTENJAK AFS: 204,509 In accordance with our recent telephone communications, I am transmitting a true copy of the complete Renewed Petition Under 37 CFR 1.181 and original supporting documents as submitted via Express Mail on January 7, 2003. A copy of the date-stamped postcard receipt is also attached. Please acknowledge safe receipt by return.		

This transmission is privileged and confidential. If you have received this transmission in error, please notify us immediately by telephone, and return the original transmission to us at the above address.